

### **REMARKS**

Claims 1, 2, and 5-11 remain pending in the application after entry of the foregoing amendment. An informality is herein corrected in the abstract of the disclosure. Claim 1 is herein amended. No new matter has been added.

Claims 10-11 have been previously allowed. Reconsideration and allowance of claims 1, 2, and 5-9 are requested in view of the following remarks.

### **Objection to the Specification**

The abstract is herein amended to replace the word “comprises” with the word “includes.” Applicant respectfully requests the withdrawal of the objection to the abstract of the disclosure as containing legal phraseology.

### **Claim Rejections – 35 USC § 102**

With regard to the 35 USC § 102(b) rejection of claims 1, 2, and 5-7 as being anticipated by U.S. Patent No. 1,974,194 (Phillips), Applicant has amended claim 1 to incorporate a limitation to the means for adjusting the depth of cut. Claims 1, 2, and 5-7 are now distinguishable from Phillips as including a feature not anticipated or disclosed in Phillips.

In an embodiment of the present invention, the cutting height adjustment ramp (10) comprises two side flanges (32, 32') each having an obliquely inclined oblong hole (33, 33') for adjustably engaging a projection such as one of the pegs (34, 34') projecting from a guide rail such as one of the side uprights (6, 7). In this embodiment, the side uprights (6, 7) of the frame (1) each have an obliquely inclined oblong hole (35, 35') for receiving a locking screw (37, 37'), and the side flanges (32, 32') of the ramp (10) each have an opening (36, 36') for receiving the locking screw (37, 37'). This feature is particularly described in paragraphs 34-37 and 117-120 of the specification, and is shown in Figures 14-21.

In contrast, Phillips discloses a ramp with a pivoting end. The thickness of cut is varied in the Phillips device by means (34-38) for adjusting the depth of cut, wherein a ramp (31-32) is fitted so as to be capable of translational motion parallel (up and down) to the

cutting plane (plane of the blade) and facing the blade at a first end to form the slot (see Figures 2 and 11 of Phillips).

Because Phillips does not anticipate the means for adjusting the depth of cut of the present invention, wherein the ramp comprises two side flanges each having an obliquely inclined hole for adjustably engaging a projection from a guide rail, and an opening for receiving a locking screw, and wherein the guide rails each have an obliquely inclined hole for receiving the locking screw, Applicant respectfully requests that this rejection be withdrawn.

### **Claim Rejections – 35 USC § 103**

With regard to the 35 USC § 103(a) rejection of claims 8 and 9 as being unpatentable over Phillips in view of U.S. Patent No. 5,745,999 (Zirkiev), the amendment of claim 1 resolves the rejection. Amended claim 1 incorporates means for adjusting the depth of cut wherein the ramp comprises two side flanges each having an obliquely inclined hole for adjustably engaging a projection from a guide rail, and an opening for receiving a locking screw, and wherein the guide rails each have an obliquely inclined hole for receiving the locking screw. The means for adjusting the depth of cut, as claimed in amended claim 1, constitute a feature which distinguishes the present invention from Phillips, and which also distinguishes the present invention from Zirkiev.

In contrast to the present invention, Zirkiev discloses a food slicer device (10) in which the thickness of cut is varied by a back plate (24) having guide ribs (58) that are higher on one surface than on an opposite surface. The back plate (24) is inserted into rear insert tracks (20) of a working platform (18). The back plate (24) may be flipped over and reinserted, thereby changing the thicknesses of the slices (32) of food.

Because claims 8 and 9 depend from claim 1, the combination of Phillips and Zirkiev does not render claims 8 and 9 obvious. Therefore, Applicant submits that claims 8 and 9 are patentable over Phillips in view of Zirkiev and requests that this rejection be withdrawn.

With regard to the 35 USC § 103(a) rejection of claims 1, 2, and 5-7 as being unpatentable over Phillips in view of U.S. Patent No. 5,765,472 (Kim), the amendment of claim 1 resolves the rejection. The means for adjusting the depth of cut, as claimed in

amended claim 1, constitute a feature which distinguishes the present invention from Phillips, and which also distinguishes the present invention from Kim.

In contrast to the present invention, Kim discloses means for adjusting the depth of cut wherein an adjustment nut (46) is connected to a threaded screw (48) for adjusting the position of a sizing plate (25), which can be raised or lowered within an approximately one-quarter inch range. The screw (48) is fixed to an inclined depending tongue (52) on the underside of the sizing plate (25), and the tongue (52) is slidable between opposed pairs of spaced bracketing guides (56).

Because claims 2 and 5-7 depend from claim 1, the combination of Phillips and Kim also does not render claims 2 and 5-7 obvious. Therefore, Applicant submits that claims 1, 2, and 5-7 are patentable over Phillips in view of Kim and requests that this rejection be withdrawn.

With regard to the 35 USC § 103(a) rejection of claims 8 and 9 as being unpatentable over Phillips in view of Kim as applied to claim 1, and further in view of Zirkiev, the amendment of claim 1 resolves the rejection. The means for adjusting the depth of cut, as claimed in amended claim 1, constitute a feature which distinguishes the present invention from Phillips, from Kim, and from Zirkiev.

Because claims 8 and 9 depend from claim 1, and amended claim 1 incorporates a feature which distinguishes the present invention from any of Phillips, Kim, and Zirkiev, the combination of Phillips in view of Kim and further in view of Zirkiev does not render claims 8 and 9 obvious. Therefore, Applicant submits that claims 8 and 9 are patentable over Phillips in view of Kim and further in view of Zirkiev, and requests that this rejection be withdrawn.

Finally, with regard to the 35 USC § 103(a) rejection of claims 1, 2, and 5 as being unpatentable over Kim in view of Zirkiev or U.S. Patent No. 2,715,927 (Cupper et al.), the amendment of claim 1 resolves the rejection. In contrast to the present invention, Cupper et al. does not disclose means for adjusting the depth of cut.

Because claims 2 and 5 depend from claim 1, and amended claim 1 incorporates a feature which distinguishes the present invention from any of Kim, Zirkiev, and Cupper et al., the combination of Kim in view of Zirkiev or Cupper et al. does not render claims 8 and

9 obvious. Therefore, Applicant submits that claims 1, 2, and 5 are patentable over Kim in view of Zirkiev or Cupper et al., and requests that this rejection be withdrawn.

**CONCLUSION**

For all of the foregoing reasons, the application is believed to be in condition for allowance. Withdrawal of all objections and rejections, and allowance of claims 1, 2, and 5-9 together with previously allowed claims 10-11, is respectfully requested, and an early notice of allowance of those claims is earnestly solicited.

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